

Appl. no. 10/575, 578

Inventor: Klompenhouwer, M.A.

**REMARKS**

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-23 are pending and stand rejected.

Claims 1, 8, 12, 14, 16 19 and 21 have been amended.

Claims 1, 12 and 21 are independent claim.

The specification is objected to for failing to provide a title that is descriptive and for failing to provide antecedent basis for the claimed subject matter "a computer readable medium." Claims 8-11 stand rejected under 35 USC §112, second paragraph as being indefinite. Claims 14, 16, 17, 19, 20 and 22 stand rejected under 35 USC §112, second paragraph as being indefinite. Claims 21-23 stand rejected under 35 USC §101 as being directed to non-statutory subject matter. Claims 1-23 stand rejected under 35 USC §103(a) as being unpatentable over Miyachi (USPPA no. 2003/0043165).

With regard to the objection to the specification, applicant respectfully disagrees with the reasons for the objection. However, in order to advance the prosecution of this matter, applicant submits herewith a new Title of the invention claimed as suggested by the Examiner.

For the submission of the new Title, applicant submits that the reason for the objection has been overcome and respectfully requests that the objection be withdrawn.

With regard to the objection to the specification lacking antecedent basis for the claimed subject matter "a computer readable medium," Applicant respectfully disagrees with and explicitly traverses the objection. Specifically, the specification refers to, in Figures 1A-1C, memories that are in communication with a processor unit (i.e., 106) and one skilled in the art would understand that such memories represent computer readable medium as the processor 106 may access the instructions in the memory. See, for

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example, page 4, lines 9-22, which state, in part, "FIG. 1C illustrates 'smart' chip ...[which] includes a controller/processor unit that processes instructions ... Additionally, the controller/processor 106 is communicatively coupled with a program memory 107..."

Hence, the specification provides adequate disclosure of an example of a computer readable medium as is recited in the claims. Thus, applicant submits that the reason for the objection has been overcome.

With regard to the rejection of the claims under 35 USC §112, second paragraph, applicant respectfully disagrees with the interpretation of the objected-to terms. However, applicant has elected to amend the claims to remove the objected-to claims language and present the claims in better form. More specifically, the term "optionally" refers to fact that not all of the stated elements need be contained in the plurality of algorithms but may be selected from a combination of the claimed algorithms. Hence, the claims have been amended to recite the term "at least one of." No new matter has been added. Support for the amendment may be found in the individual presentation of the recited elements in Figure 1C.

For the amendments made to the claims, applicant submits that the rejection of the claims has been overcome and respectfully requests that the rejection be withdrawn.

With regard to the rejection of the claims under 35 USC §101, applicant respectfully disagrees with the interpretation of the objected-to terms. As argued above, the specification provides adequate disclosure of the computer readable medium in the examples of memories that store instruction accessed by the processor 106.

Accordingly, applicant submits the rejection of the claims has been overcome and respectfully requests that the rejection be withdrawn.

With regard to the rejection of claims 1-23 under 35 USC §103, applicant respectfully disagrees with and explicitly traverses the rejection of the claims.

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Miyachi discloses a system a system for adjusting the color of a display device by increasing a gradation level of a color signal having a highest gradation level while decreasing a gradation level of a color signal having the lowest gradation level when the gradation levels are not equal. Miyachi discloses in paragraph 0071 the adjustment of a color gradation level as a function of the other colors. Miyachi discloses that negative values are fixed to a zero value. However, Miyachi fails to provide any teaching that the smallest value is set to a fixed value, as is recited in the claims. For example, in paragraph 0077, Miyachi discloses that for a signal having R, G, B, values of 200, 120 and 100 (decimal), respectively, the converted values are 222, 105 and 85 (decimal), respectively. In addition, based on the equations shown in paragraph 0071, the converted values would be altered if the smallest value was changed. But Miyachi does not consider that the smallest value is adjusted (scaled) to a known value.

Hence, Miyachi fails to disclose a system wherein the color values are adjusted such that the smallest value is set to a known value, as is recited in the claims.

In addition, Miyachi fails to provide any teaching regarding scaling the adjusted values based on a maximum adjusted value, as is recite in the claims.

A claimed invention is *prima facie* obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations

In this case, Miyachi fails to disclose a material element recited in the independent claims and thus, cannot be said to render obvious the subject matter recited in the independent claims.

With regard to the remaining claims, these claims depend from the independent claims and are thus also allowable by virtue of their dependency upon an allowable base claim.

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For the amendments made to the specification and for the remarks made herein, applicant submits that all the objections and rejections have been overcome and that the claims are in a condition for allowance. It is respectfully requested that a Notice of Allowance be issued.

Should the Examiner believe that the disposition of any issues arising from this response may be best resolved by a telephone call, the Examiner is invited to contact applicant's representative at the telephone number listed below.

Respectfully submitted,

Date: January 15, 2009

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